



Cincinnati Police Department

STAFF NOTES

August 23, 2005

Colonel Thomas H. Streicher, Jr., Police Chief



Planning Section

- [Revision of Procedure 12.330, Gang Investigations](#)

District Two

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1. REVISION OF PROCEDURE 12.330, GANG INVESTIGATIONS

Procedure 12.330, Gang Investigations, has been revised. The offense of Unlawful Sexual Conduct with a Minor has been added to the Definitions section. Other minor wording changes have been made throughout the procedure.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

2. DONATED TIME FOR POLICE OFFICER AMANDA SPELLMAN

Police Officer Amanda Spellman, District Two, is currently on maternity leave and is not expected to return to duty until early September 2005. Officer Spellman has exhausted all of her sick, holiday, compensatory, and vacation time.

Any department member wishing to voluntarily donate time for Officer Spellman should submit a Form 25S to their district/section/unit commander, listing Officer Spellman's name, district, the type of time and the number of hours being donated. Sick time may not be donated. The donor's rank and signature must appear on the Form 25S.

3. MUNICIPAL GARAGE - BATES AVENUE SECURITY GATE

In an effort to control unauthorized entry after hours, traffic in and out of the Municipal Garage Fleet Services area is now controlled by a computerized gate. When entering Fleet Services or the Radio Shop from Bates Avenue after normal business hours (Monday-Friday, 0730-1630), employees must use their City issued black fuel key to enter and exit.

The system is very similar to the existing refueling system in that employees will insert their key into a computerized control panel. The control panel is mounted outside the closed gate. Once the key has been inserted into the control panel the gate will open immediately. Proceed through the gate only after the gate has fully opened. The gate will close automatically after the vehicle has cleared. There is a control panel mounted on both sides of the gate. Use the same procedure when exiting the gate.

The gate will normally be locked in the open position during normal business hours.

4. THANK YOU LETTERS

[Attached](#) to these Staff Notes is a letter of appreciation and praise written to the Police Chief for the respect, courtesy and compassion displayed by Police Officer Andrea Smyth while dealing with a rape victim.

12.330 GANG INVESTIGATIONS

Reference:

Procedure 12.554 – Field Interview and Interrogation Reports
Ohio Revised Code Section 2923.41-43 – Criminal Gangs

Definitions:

Criminal Gang - means an ongoing formal or informal organization, association, or group of three or more persons to which all of the following apply:

- It has as one of its primary activities the commission of one or more of the following offenses:

Any Felony
Any Offense of Violence
Unlawful Sexual Conduct with a Minor
Criminal Damaging
Aggravated Trespassing
Failure to Disperse
Interference with Custody
Contributing to Unruliness/Delinquency of a Child
Intimidation of Attorney, Victim or Witness in a Criminal Case
Improper Handling of a Firearm in a Motor Vehicle
Trafficking in Marijuana
Ethnic Intimidation

- It has a common name or one or more common, identifying signs, symbols, or colors.
- The persons in the organization, association, or group, individually or collectively, engage in, or have engaged in, a pattern of criminal gang activity as defined in 2923.41 ORC.

Set - this term describes a particular gang. The members of a set are usually close knit and are often tied to a certain school or neighborhood. This term is used to describe sub-types of criminal organizations.

Clique or Klika - these terms are similar to sets in that they are close-knit groups within the gang but are usually smaller than a set.

Associate (Gang Member) – any person who fits any of the criteria listed in Section A. of this procedure.

Security Threat Group Classification – an inmate profile entered into the statewide gang database of self-proclaimed gang members.

Purpose:

To identify subjects involved in criminal gang activity as defined in Section 2923.42 of the Ohio Revised Code (ORC). Intelligence Unit anti-gang officers will review all street gang information for analysis and submission into the Ohio State Attorney General's Office Gang Unit Access Research Database (GUARD).

Policy:

Department personnel will actively engage in the collection, and follow-up investigation, of gang intelligence.

Information:

Intelligence gathered by anti-gang officers and other law enforcement agencies will be collected, reviewed and maintained by Intelligence Unit.

In most cases the filing of criminal charges in connection with gang activity will only occur after extensive investigation and verification. Prior to the filing of these charges, an Intelligence Unit anti-gang officer will be contacted for assistance with prosecutorial review.

Procedure:

- A. Department personnel will document all suspected or confirmed street gang activity and forward it to the district/section/unit anti-gang officers.
 - 1. Identification of a criminal gang member is based on the person having two or more of the following criteria entered into the GUARD database. Identification of an associate member is based on the person having one of the following criteria entered into the GUARD database:
 - a. A previous conviction under ORC Section 2923.42, "Participation in a Criminal Gang", and/or gang specification within the past five years.
 - b. The subject has admitted to being a gang member in verbal or written form.
 - c. The subject has been arrested with known gang members for offenses consistent with criminal gang activity.
 - d. The subject has been identified by law enforcement or by a reliable informant/source as a gang member.
 - e. The subject has been seen by law enforcement or by a reliable informant/source displaying or possessing a criminal gang name, sign, symbol, color or material, or defacing public or private property with the same.

- f. The subject is known by law enforcement or by a reliable informant/source to associate with a criminal gang that has been designated as such by a court of law.
 - g. The subject is known by law enforcement or by a reliable informant/source to have expressed knowledge of criminal gang activity.
 - h. The subject is known by law enforcement or by a reliable informant/source to have identifiable gang tattoos.
 - i. In custody Security Threat Group Classification profile (entered by Ohio Department of Rehabilitation and Correction or Ohio Department of Youth Services only).
- 2. Contact by department personnel with any subject(s) meeting one or more of the criteria listed above should be documented and submitted to the district/section/unit anti-gang officer for review and verification.
 - a. Documentation should be made on a Form 534, Contact Card, or Form 311, Incident Closure.
 - b. The district/section/unit anti-gang officer will be responsible for reviewing submitted documents for completeness and accuracy.
 - c. All district/section/unit anti-gang officers will have access to the GUARD file to review or retrieve information.
 - d. Reviewing officers will place their name and badge number on all paperwork submitted after review, approval and verification.
 - e. Upon completion of review and verification of the information, the officer will forward the document copies to the Intelligence Unit for entry into GUARD.
- B. Documentation should include the following information for each subject encountered:
 - 1. Full name, nickname or alias
 - 2. Sex
 - 3. Race/nationality/descent
 - 4. Date of birth/place of birth
 - 5. Control number/social security number
 - 6. School/grade
 - 7. Employer/job title
 - 8. Gang/clique/set and status

9. Criteria met (include all that apply in detail)
 10. Date/time/location of contact
 11. Source of information, if not a result of a contact
 12. Charges, if arrested/reason for stop on Contact Card/details of contact
 13. Submitting officer/badge number/assignment/relief/phone number
 14. Associates (separate documentation should be completed for each)
 15. Photograph the criminal gang activity when appropriate, including graffiti, clothing, tattoos, etc.
 16. Homicide Unit personnel will share photos of victims with any tattoos with an Intelligence Unit anti-gang officer in any suspicious deaths or any incident where gang activity is suspected.
- C. When an arrest or report is made involving any gang-related incident, personnel will document the gang information on the following forms. Forward a legible copy to the district/section/unit anti-gang officer for review:
1. Form 527, Arrest and Investigation Report
 2. Form 527A, Case and Bond Information Report
 3. Form 527B, Trial Preparation Report
 4. Form 301SS, Suspect Supplemental Report
 5. Form 301AS, Arrest Supplement
 6. Form 310NS, Narrative Supplement
 7. Form 313, Firearm Report
 8. Or as a supplement to any official police report or incident, including the above reports.
- D. The Patrol Division Commander will designate a sergeant within the division to act as the Patrol Division Anti-Gang Supervisor. This supervisor will be responsible for:
1. Overseeing the functions of the anti-gang officers within the Patrol Division and act as a point of contact for the Intelligence Unit.
 2. Attending meetings with the Department Anti-Gang Coordinator as needed.

- E. The Investigations Division Commander will designate a sergeant within the division to act as the Investigations Division Anti-Gang Supervisor. This supervisor will be responsible for:
 - 1. Overseeing the functions of the anti-gang officers within the Investigations Division, except the Intelligence Unit anti-gang officers, and act as a point of contact for the Intelligence Unit.
 - 2. Attending meetings with the Department Anti-Gang Coordinator as needed.
- F. All School Resource Officers (SRO) and Drug Abuse Resistance Education (DARE) officers in the Youth Services Unit will be anti-gang officers.
- G. District/section/unit anti-gang officers are responsible for sharing information received from the Intelligence Unit with their district/section/unit personnel.
- H. Intelligence Unit anti-gang officers will be responsible for coordinating the transfer of information between the Intelligence Unit and all other district/section/unit anti-gang officers.
 - 1. These officers will act as the liaison between the district/section/unit and the Intelligence Unit.
 - 2. These officers will place their name and badge number on all paperwork submitted by the district/section/unit anti-gang officers when review and approval is completed.
 - 3. These officers will maintain the Department gang files.
- I. Intelligence Unit anti-gang officers will be responsible for establishing and maintaining a system to insure the timely review of documents and delivery of information to the district/section/unit anti-gang officers. These officers will also be responsible for analyzing all gang related intelligence information and storing all gang related documentation.
 - 1. Intelligence Unit anti-gang officers will disseminate gang-related intelligence to the district/section/unit anti-gang officers.
 - 2. Intelligence Unit will refer information to the district/section/unit anti-gang officers for follow-up investigations as needed.
 - 3. Unconfirmed gang information will be maintained by Intelligence Unit anti-gang officers until it is either confirmed or purged from the system.
 - 4. Verified gang information will be submitted into GUARD and stored as verified information by Intelligence Unit anti-gang officers.

5. Intelligence Unit anti-gang officers will be responsible to update or purge GUARD and gang files as information is received and within appropriate time limitations as required by GUARD and/or Intelligence Unit standard operating procedure.
- J. The Intelligence Unit Commander will act as the Anti-Gang Coordinator for the Department. The Anti-Gang Coordinator will:
1. Develop standard operating procedures.
 2. Schedule quarterly meetings with district/section/unit anti-gang officers to ensure a coordinated effort. More frequent meetings can be called as activities dictate.
 3. Directly oversee Intelligence Unit anti-gang officers.
 4. Directly oversee storage of the central gang intelligence files.
 5. Approve all GUARD entries/purges and oversee the actual input/deletion of data.
 6. Conduct quarterly audits of data transactions and forward a written report to the Criminal Investigation Section Commander.
 7. Serve as the point of contact with the Hamilton County Prosecutor's Office.

Lt. Carter,

On 8/11/05 I respond to UCER for a rape victim by the name of
I was greeted by the reporting Police Officer
Andrea Smyth Badge #790 District One. During the course of the
next hour Officer Smyth conducted a very
professional interview of the victim. She treated her with respect,
courtesy and utmost compassion. At times the victim became
agitated with her situation and past treatment by police officers.
Officer Smyth was able to calm her fears in a reassuring manner
even to the point of telling her no matter how long this took she
would be there for her. The officer allowed me to be with her
during this process and was very knowledgeable about the
advocacy work of the Rape Crisis and Abuse Center of Hamilton
County.

I am a retired Cincinnati Police Officer and having worked with
numerous victims especially rape victims, I am very aware of the
positive and negative impacts of the first responding officer.
Officer Andrea Smyth did an outstanding job relating to this
victim.

In closing I would like to have this Officer considered for the Tom
Oberschmidt Award presented each year by the Rape Crisis and
Abuse Center of Hamilton County.

Thank you for your time and consideration.

Jerry C. Heidel
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